

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION**

IN RE:

**CAH ACQUISITION COMPANY 7, LLC
d/b/a PRAGUE COMMUNITY
HOSPITAL,**

Debtors.

**THOMAS W. WALDREP, JR., as Chapter
11 Trustee for CAH ACQUISITION
COMPANY 7, LLC**

Plaintiff,

v.

WCS CORPORATION, INC.

Defendant.

**Case No. 19-01298-5-JNC
Chapter 11**

Adv. Pro. No. 19-00175-5-JNC

MOTION TO APPROVE SETTLEMENT AND NOTICE THEREOF

NOW COMES Thomas W. Waldrep, Jr., Chapter 11 Trustee for CAH Acquisition Company 7, LLC d/b/a Prague Community Hospital (the “Plaintiff”) in the above-captioned case, by and through his undersigned counsel, and hereby moves the Court pursuant to Bankruptcy Rule 9019 to approve the settlement and compromise of this adversary proceeding as follows:

1. In the course of case administration, the Trustee filed an adversary proceeding against WCS Corporation, Inc. (“Defendant”) seeking (i) recovery of \$10,262.02 for monetary transfers made by Plaintiff to Defendant within the preference period, pursuant to 11 U.S.C. §§ 547 and 550; and (ii) avoidance of Defendant’s judgment pursuant to 11 U.S.C. §§ 547 and 544.

2. After discussions, Defendant has offered to pay and Plaintiff recommends acceptance of the sum of \$10,262.02 (the “Settlement Funds”) to settle all matters in controversy, and as set forth herein.

3. Defendant shall pay to the Trustee the Settlement Funds within fifteen (15) days after entry of an Order allowing this Motion;

4. Within thirty (30) days of payment of the Settlement Funds, Defendant is entitled to amend its proof of claim (Claim 14) consistent with the above settlement payment pursuant to 11 U.S.C. § 502(h).

5. Defendant obtained a judgment against the Debtor which was entered on February 14, 2019 in Lincoln County, Oklahoma in Case No. CJ-2018-00188 (the "Judgment"). Defendant acknowledges and the parties agree that Defendant does not have a lien on any of the Debtor's assets, by virtue of the Judgment or otherwise, and any lien arising by virtue of the Judgment shall be deemed void and shall be of no force and effect.

6. Upon Defendant's payment of the Settlement Funds, Plaintiff releases Defendant from any further liability relative to the claims asserted in the Complaint.

WHEREFORE, the Plaintiff hereby requests the Court to approve the settlement as set forth herein and for such other and further relief as the Court deems just and proper.

DATED: February 3, 2020

HENDREN, REDWINE & MALONE, PLLC

s/Benjamin E.F.B. Waller
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N.C. State Bar No.: 26869
Rebecca F. Redwine
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ATTORNEYS FOR THE TRUSTEE

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NOTICE OF MOTION TO APPROVE SETTLEMENT

NOTICE IS HEREBY GIVEN of the **MOTION TO APPROVE SETTLEMENT** filed in the above captioned case; and,

FURTHER NOTICE IS HEREBY GIVEN that if any interested party fails to respond or otherwise plead or request a hearing within **TWENTY-ONE (21) DAYS** of the date of this notice, the relief requested in the Motion may be granted without further hearing or notice.

FURTHER NOTICE IS HEREBY GIVEN that if a response and request for a hearing is filed within the time indicated, a hearing will be conducted on the Motion and response thereto at a date, time and place to be later set by this Court, and all interested parties will be notified accordingly. If no request for a hearing is timely filed, the Court may rule on the Motion and response thereto *ex parte* without further notice.

Dated: February 3, 2020

HENDREN, REDWINE & MALONE, PLLC

s/Benjamin E.F.B. Waller

Jason L. Hendren

N.C. State Bar No.: 26869

Rebecca F. Redwine

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ATTORNEYS FOR THE TRUSTEE

CERTIFICATE OF SERVICE

I, Benjamin E.F.B. Waller, of 4600 Marriott Drive, Suite 150, Raleigh, NC 27612, hereby certify;

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on the 3rd day of February, 2020 I served copies of the foregoing MOTION TO APPROVE SETTLEMENT and NOTICE OF MOTION on the parties listed below as indicated and as directed pursuant to the Order Limiting Notice.

I certify under penalty of perjury that the foregoing is true and correct.

DATED: February 3, 2020

HENDREN, REDWINE & MALONE, PLLC

s/Benjamin E.F.B. Waller
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ATTORNEYS FOR THE TRUSTEE

TO:
Marjorie K. Lynch
Office of the Bankruptcy Administrator

(via CM/ECF)

Thomas W. Waldrep, Jr.
Chapter 11 Trustee

(via CM/ECF)

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